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EXAMINER

NORDMEYER, PATRICIA L

ART UNIT PAPER NUMBER

1772

DATE MAILED: 01/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/051,352

Applicant(s)

RAWLINGS, TIMOTHY W. 

Examiner

Patricia L. Nordmeyer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 04 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-19, 22 and 23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19, 22 and 23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on December 4, 2003 has been entered.

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1 – 19, 22 and 23 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The independent claims, claims 1 and 18, contain the language “non-perforated sections; such that a non-perforated section has a length greater than the distance spanned by at least three adjacent microperforations in a microperforated section”, which does not appear to be supported by either the written specification or the drawings.

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***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1 – 3, 5, 6, 9, 10 and 17 – 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tataryan et al. (USPN 6,136,130).

Tataryan et al. discloses a printable substrate that is folded during storage and is unfolded before being printed on (Column 1, lines 4 – 6). The substrate is a single sheet of card stock or a label laminate with integrated labels (Column 3, lines 13 – 14) that contains one fold line across the width of the sheet, defining where the sheet is folded (Figure 1, #24). A line of perforations extends across the width and entire thickness (Figure 3, #26) of the sheet, allowing the sheet to be folded (Column 4, lines 57 – 62). The perforations are able to be formed in a variety of combinations and configurations as long as the perforations provide the necessary strength and flexibility (Column 4, lines 47 – 57), and they are inherently formed in a discontinuous line of perforations with intermittent non-perforated areas (Figure 1, #24). The sheet is folded and unfolded at least once before printing without separation occurring (Figure 4). In order to separate the sheet at the fold line, a tensile strength of at least 4.5 to 5 or more kilograms must be applied (Column 4, lines 38 – 41). The non-perforated sections of the fold line comprise 50% of the fold line (Column 5, lines 5 – 7).

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The prior art element, the fold line formed of constant perforations across the width of the sheet (Figure 3, #26) is a structural equivalent of the corresponding element disclosed in the specification, the fold line formed of microperforated sections and non-perforated sections. That is, the prior art element performs the function, the ability of fold line to allow the sheet to be fold and unfolded along its length before printing or after printing (Column 1, lines 42 – 49), specified in the claim in substantially the same manner as the function is performed by the corresponding element, the fold line with microperforated and non-perforated sections, described in the specification. MPEP 2183.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have modified the length of the fold line to be folded and unfolded as described above.

6. Claims 4, 7, 8 and 11 – 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tataryan et al. (USPN 6,136,130) in view of Popat et al. (USPN 5,662,976).

Tataryan et al. discloses the claimed printable substrate with a line of perforations that extends across the width and entire thickness (Figure 3, #26) of the sheet, allowing the sheet to be folded (Column 4, lines 57 – 62). The perforations are able to be formed in a variety of combinations and configurations as long as the perforations provide the necessary strength and flexibility (Column 4, lines 47 – 57), therefore it would be obvious to one of ordinary skill in the art to form the perforations in a discontinuous line of perforations with intermittent non-

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perforated areas where the length of the non-perforated section is 20% of the width with areas of microperforations of equal length. However, Tataryan et al. fails to disclose the printable substrate being a form with removable labels integrated therein having preprinted indicia on said print medium, the substrate having two or more fold lines, the perforations having a maximum dimension in the range of 0.2 to 0.4 mm and the ties between these perforations are less than 0.5 mm in length and wherein the non-perforated sections have a length from 1 to 5 mm.

Popat et al. teaches to fold lines formed by microperforations through the thickness of the card stock (Figure 3, #48 and 50 and Column 3, lines 40 – 46) to form two or more sections (Column 2, lines 51 – 55), where the microperforations have cuts in lengths between 0.24 mm to 0.27mm and ties between 0.11mm and 0.14 mm (Column 8, lines 44 – 49) in a printable laminated card substrate with preprinted indicia on the substrate (Column 7, lines 35 – 37) for the purpose of printing a laminated card with a laser jet printer from a sheet of material having a constant thickness that will not cause jams in the printer paper path.

It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have provided the microperforations with specific cut and tie lengths in a card stock material with preprinted indicia in Tataryan et al. in order to print a laminated card with a laser jet printer from a sheet of material having a constant thickness that will not cause jams in the printer paper path as taught by Popat et al.

***Response to Arguments***

7. Applicant's arguments with respect to claims 1 – 3, 5, 6, 9, 10 and 17 – 19 have been considered but are moot in view of the new ground(s) of rejection.

8. Applicant's arguments filed regarding the 103 rejection of claims 4, 7, 8 and 11 – 13 have been fully considered but they are not persuasive.

In response to Applicant's argument that Popat et al. fails to disclose the perforations as microperforations, Popat et al. teach perforations have cuts in lengths between 0.24 mm to 0.27mm and ties between 0.11 mm and 0.14 mm (Column 8, lines 44 – 49), which fall within the range specified in the specification of the lengths of microperforations.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia L. Nordmeyer whose telephone number is (571) 272-1496. The examiner can normally be reached on Mon.-Thurs. from 7:00-4:30 & alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Y. Pyon can be reached on (571) 272-1498. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-0987.

Patricia L. Nordmeyer  
Examiner  
Art Unit 1772

*pln*  
pln

*Harold Pyon*  
HAROLD PYON  
SUPERVISORY PATENT EXAMINER  
1772

1/23/04